

EXHIBIT “H”

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July 12, 2005

VIA FACSIMILE #528-4997

Timothy Hogan, Esq.
Lynch, Ichida, Thompson, Kim & Hirota
1132 Bishop Street, Suite 1405
Honolulu, Hawaii 96813

Re: Berry v. HEX

Dear Mr. Hogan:

It came to our attention on the afternoon of July 11 that among the 23,000 files you requested from Guidance Software are a number of attorney-client privileged communications. In consenting to Guidance's production of these electronic materials -- and in agreeing to such production without insisting on screening every file first, we relied on the plaintiff's representation that these files had been identified in good faith as being authored by Mr. Berry. It was not the PCT's intent or understanding that you or any other party would thus come into possession of attorney-client privileged communications. Nonetheless, we now find ourselves in the current situation because of your vastly overbroad list of allegedly relevant files.

Under the circumstances we request that you immediately do the following:

1. Return to Guidance Software, or the Master, the materials Guidance Software produced to you.
2. Destroy any electronic copies or electronic derivatives of such material and certify that you have done so or certify there were no such materials to destroy.
3. Narrow your list of over 23,000 files to those files for which you have a good faith basis for believing they may contain Mr. Berry's intellectual property. Once you have done so we can discuss them one at a time and the PCT can screen them to be sure there is no privileged material. We can then coordinate with Guidance (and the Master as may be needed) to determine which files should properly be produced

Exhibit G

---Exhibit A---

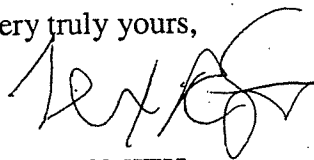
Timothy Hogan, Esq.
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Please also provide your agreement to our proposal that Guidance Software not produce the over 100,000 files from the "Before" image unless and until we can develop appropriate safeguards to prevent another production of privileged material.

Finally, we request your response by close of business today, July 12. If you refuse we will be forced to seek immediate assistance from Master Matsui.

Thank you for your attention to these matters.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Lex R. Smith', with a stylized flourish at the end.

LEX R. SMITH

for
KOBAYASHI, SUGITA & GODA

cc: Rex Fujichaku, Esq.